

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOHN D. PUCHNER,

Petitioner,

v.

Case No. 22-C-891

SHERIFF ERIC SEVERSON, et al.,

Respondent.

**ORDER SUMMARILY DISMISSING JUDICIAL OFFICERS AND
DIRECTING CLERK TO SCHEDULE TELEPHONE HEARING
ON MOTIONS TO STAY JAIL SENTENCE**

John D. Puchner is apparently serving a sentence in the Waukesha County Jail for contempt of court arising out of a family court action pending in that County. On August 4, 2022, Puchner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 in this Court alleging that his current custody is in violation of his rights under the United States Constitution. This is not Puchner's first petition for habeas corpus relief arising out of his family court action that led to a finding of contempt. Court records reveal that he has filed five previous petitions over the past five years. Indeed, even further back, Puchner filed a successful petition based on similar circumstances arising from the divorce action that ended his first marriage. *See Puchner v. Kruzicki*, 918 F. Supp. 1271 (E.D. Wis. 1996), *aff'd* 111 F.3d 541 (7th Cir. 1997).

The Court has yet to screen Puchner's petition because he has failed to pay the \$5.00 filing fee or provide the documentation necessary for the Court to determine that he is indigent. In the meantime, however, he has also filed four motions for an emergency stay of the jail sentence he is currently serving. Rather than await the additional documentation before addressing Puchner's

emergency motions, the Court will conduct a telephone hearing in this matter at a date and time to be set by the clerk. A copy of Puchner's Petition and this order shall be mailed by first class mail to the Waukesha County Corporation Counsel and the Waukesha County Sheriff, Eric Severson. Severson is the apparent custodian and the proper respondent, and the Corporation Counsel is tasked by state law to represent him. The Court is not directing Severson to file a formal answer at this time, but he is free to supplement the record by filing a response to either the petition or Puchner's motions to stay his sentence in order to clarify the record.

Puchner has also named as respondents the other federal judges in this district, including Chief U.S. District Judge Pamela Pepper, U.S. District Judge J.P. Stadtmueller, U.S. District Judge Lynn Adelman, and U.S. District Judge Brett Ludwig. The Petition is silent as to any action taken by any of the judges that would plausibly state a claim against them. Moreover, none can reasonably be considered his custodians for purposes of ordering them to respond to a petition for habeas relief. In addition, each enjoys absolute immunity for actions taken in the course of their roles as judges. *See Wilson v. Kelkhoff*, 86 F.3d 1438, 1443 (7th Cir. 1996); *Dawson v. Newman*, 419 F.3d 656, 660–61 (7th Cir. 2005). For these reasons, the Court will summarily dismiss the judges from this action and focus on the allegations upon which Puchner contends his custody is based. In other words, only Puchner and the legal representative of the Sheriff are required to appear at the telephone hearing to be set by the Clerk.

SO ORDERED at Green Bay, Wisconsin this 19th day of August, 2022.

s/ William C. Griesbach

William C. Griesbach
United States District Judge